

**BEFORE THE  
ARKANSAS PUBLIC SERVICE COMMISSION**

<b>IN THE MATTER OF THE BILLING PRACTICES OF SUMMIT UTILITIES ARKANSAS, INC.</b>	) ) )	<b>DOCKET NO. 23-015-U</b>
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**MOTION FOR ORDER MAINTAINING SUSPENSION OF  
LATE FEES AND DISCONNECTIONS**

COMES NOW, the Office of Arkansas Attorney General Tim Griffin (“Attorney General”), and for his motion requesting an order requiring Summit Utilities Arkansas, Inc., (“Summit” or “Company”) to leave in place its suspension of late fees and service disconnections due to the ongoing investigations of the Company by the Arkansas Public Service Commission (“APSC” or “Commission”), states the following:

1. In response to a vast number of consumer complaints regarding Summit natural gas bills, the Attorney General filed a Motion on March 16, 2023, asking the Commission to investigate the Company’s billing practices as well as its natural gas purchasing practices subsequent to Winter Storm Uri.<sup>1</sup>

2. The Commission opened formal investigations of Summit’s natural gas costs and billing practices on March 20, 2023.<sup>2</sup>

3. Summit and the other parties to the investigation dockets are scheduled to file additional rounds of testimony over the next several months, with Summit’s rebuttal testimony in the natural gas cost investigation due on July 17, 2023.<sup>3</sup> The Commission’s order further states

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<sup>1</sup> Doc. No. 1, March 16, 2023, Motion.

<sup>2</sup> Doc. No. 2, March 20, 2023, Order No. 1.

<sup>3</sup> *Id.* at 6-7.

that “[a]ny further proceedings, including additional testimony and hearing, shall be set by subsequent order.”<sup>4</sup>

4. Summit issued a statement on April 18, 2023, announcing its intent to “resume normal collections activities, including charging late fees and disconnecting customers for nonpayment, starting in July 2023,” after having voluntarily suspended late fees and disconnections in November of 2022 following the transition from CenterPoint Energy’s billing system to its own.<sup>5</sup>

5. On April 20, 2023, Summit filed the direct testimony of Fred Kirkwood, Senior Vice President and Chief Customer Experience Officer, in which he states that Summit had “temporarily suspended charging late fees and disconnecting customers during the transition period” from CenterPoint to Summit and that the Company “plans to commence these activities in July.”<sup>6</sup>

6. While it is essential that Summit customers receive ample notice prior to the resumption of late fees and service disconnections, the Attorney General believes that the Company’s stated timeframe is premature due to the Commission’s ongoing investigations having only been initiated a month ago. In addition to adequate advance notice and sufficient communication with customers regarding the availability of delayed payment plans and payment assistance options, the Commission may ultimately find that additional safeguards are necessary to ensure that customers are not disconnected for nonpayment of amounts they should never have been billed in the first place.

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<sup>4</sup> *Ibid.*

<sup>5</sup> “Summit Utilities to Resume Normal Collections in July,” SUMMIT UTILITIES (Apr. 18, 2023), <https://www.summitutilities.com/news/2023/04/18/summit-utilities-to-resume-normal-collections-in-july>.

<sup>6</sup> Doc. No. 18, April 20, 2023, Direct Testimony of Fred Kirkwood.

7. Consistent with Rule 2.06 of the Commission’s General Service Rules, which provides that a utility “shall not suspend service while the utility or the Commission processes [a] complaint,”<sup>7</sup> the Commission should require Summit in this case to extend its suspension of late fees and disconnections through the conclusion of the ongoing investigations. In the alternative, the Commission should choose a date certain based upon information gathered during the investigations.

WHEREFORE, the Attorney General respectfully requests that the Commission order Summit to refrain from disconnecting customers or charging late fees until the Commission has concluded its investigations into the Company’s natural gas costs and billing practices, or in the alternative, until a date certain to be set by the Commission based upon information gathered during the investigations; and grant all other just and proper relief to which he may be entitled.

Respectfully submitted,

**TIM GRIFFIN**  
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<sup>7</sup> APSC General Service Rules, Rule 2.06(D)(1).

**CERTIFICATE OF SERVICE**

I certify that on this 21<sup>st</sup> day of April, 2023, I filed a copy of the foregoing utilizing the Commission's Electronic Filing System, which caused a copy to be served upon all parties of record via electronic mail.

/s/ Clay Layson  
Clay Layson